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November 8, 2024

*Baker v. MTA Bus Co., et al., Case No. 18-cv-12231 (TMR)*

Dear Judge Reif:

We write on behalf of Plaintiff Nedgra Baker ("Plaintiff" or "Mr. Baker"). Pursuant to Federal Rule of Civil Procedure 5.2(d), Rule 5.B of Your Honor's Individual Rules of Practice and Rules 6 and 21 of the Southern District of New York's ECF Rules & Instructions, Mr. Baker respectfully requests that his damages submission be filed with redactions and that certain exhibits be filed under seal.

Mr. Baker requests to redact portions of his damages submission and file Exhibits D through N and Exhibits Q through R under seal because they contain sensitive personal information, including Mr. Baker's social security number, sensitive employment history and medical records. Mr. Baker also requests that Exhibit 1 to Defendants' letter be filed under seal. Rule 5.B and ECF Rule 21.4 specifically identify the categories of information that Mr. Baker requests to redact and seal as personal sensitive information that litigants may file under seal without prior court approval.

Specifically, the damages submission, Exhibits D through N and Exhibit R to Mr. Baker's letter and Exhibit 1 to Defendants' letter contain sensitive information regarding Mr. Baker's "employment history". (See ECF Rule No. 21.4.). Exhibit Q is a "medical record, treatment, and diagnosis". (See *id.*) These records are precisely the types of materials courts routinely seal. "[T]ermination and disciplinary records . . . [and] medical records . . . often implicate privacy concerns and have the potential to embarrass the subject employee if [public]." *Duling v. Gristede's Operating Corp.*, 266 F.R.D. 66, 74 (S.D.N.Y. 2010); see also *In re Gen. Motors LLC Ignition Switch Litig.*, 2015 WL 2130904, at \*2 n.3 (S.D.N.Y. May 6, 2015) (filings that included plaintiff's "medical information and employment history" filed under seal because "a party may redact such information without prior Court approval"); *United States v. Pirk*, 2018 WL 3118279, at \*2 (W.D.N.Y. June 25, 2018) (filings containing information regarding party's employment history filed under seal). As in those cases, the information contained in the damages submission and exhibits have the acute potential to embarrass Mr. Baker and otherwise cause him harm, for example when applying to other jobs.

On the other hand, there is little or no value to the public in being able to view the narrowly selected, most sensitive specifics of Mr. Baker's employment and medical records. The request is limited in scope and does not impair the public's access to the substantive arguments

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in Mr. Baker's letter submission. Additionally, this Court has previously allowed similar information to remain under seal. (*See* Dkts. 90, 96.)

Defendants have advised that they have no objection with respect to Mr. Baker's request.

Respectfully submitted,

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BY: /s/ Alejandro Carvajal

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The Honorable Timothy M. Reif  
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VIA E-Mail

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**GRANTED.** The court grants plaintiff's motion to redact portions of plaintiff's damages submission and file Exhibits D through N and Exhibits Q through R under seal. The court also grants plaintiff's motion to have Exhibit 1 to defendants' letter filed under seal. The Clerk of the Court is directed respectfully to close the open motion at ECF No. 128.

SO ORDERED                      DATE November 14, 2024

Timothy Reif

TIMOTHY M. REIF, JUDGE,  
UNITED STATES COURT OF  
INTERNATIONAL TRADE  
*SITTING BY DESIGNATION*  
UNITED STATES DISTRICT  
COURT FOR THE SOUTHERN  
DISTRICT OF NEW YORK